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# HOUSE BILL No. 1250

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5-1; IC 9-30-5-2.

**Synopsis:** Driving while intoxicated. Makes certain drunken driving offenses Class B misdemeanors instead of Class C misdemeanors if the offenses occur within 1,000 feet of a school.

**Effective:** July 1, 2002.

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**Day**

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January 14, 2002, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1250

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-30-5-1, AS AMENDED BY P.L.175-2001,  
2       SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2002]: Sec. 1. (a) A person who operates a vehicle with an  
4       alcohol concentration equivalent to at least eight-hundredths (0.08)  
5       gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol  
6       per:

7               (1) one hundred (100) milliliters of the person's blood; or

8               (2) two hundred ten (210) liters of the person's breath;

9       commits a Class C misdemeanor. **However, the offense is a Class B**  
10       **misdemeanor if the offense is committed in, on, or within one**  
11       **thousand (1,000) feet of school property (as defined in**  
12       **IC 35-41-1-24.7).**

13       (b) A person who operates a vehicle with an alcohol concentration  
14       equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

15               (1) one hundred (100) milliliters of the person's blood; or

16               (2) two hundred ten (210) liters of the person's breath;

17       commits a Class A misdemeanor.



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1 (c) A person who operates a vehicle with a controlled substance  
2 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's  
3 body commits a Class C misdemeanor. **However, the offense is a**  
4 **Class B misdemeanor if the offense is committed in, on, or within**  
5 **one thousand (1,000) feet of school property (as defined in**  
6 **IC 35-41-1-24.7).**

7 (d) It is a defense to subsection (c) that the accused person  
8 consumed the controlled substance under a valid prescription or order  
9 of a practitioner (as defined in IC 35-48-1) who acted in the course of  
10 the practitioner's professional practice.

11 SECTION 2. IC 9-30-5-2, AS AMENDED BY P.L.175-2001,  
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2002]: Sec. 2. (a) Except as provided in subsection (b), a  
14 person who operates a vehicle while intoxicated commits a Class C  
15 misdemeanor.

16 (b) An offense described in subsection (a) is:

17 (1) **a Class B misdemeanor if the offense is committed in, on,**  
18 **or within one thousand (1,000) feet of school property (as**  
19 **defined in IC 35-41-1-24.7); and**

20 (2) a Class A misdemeanor if the person operates a vehicle in a  
21 manner that endangers a person.

22 SECTION 3. [EFFECTIVE JULY 1, 2002] **IC 9-30-5-1 and**  
23 **IC 9-30-5-2, both as amended by this act, apply only to crimes**  
24 **committed after June 30, 2002.**

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